

REMARKS

Claims 1, 5, 32 and 33 have been amended. Claims 9 - 11, and 19 - 31 have been cancelled. New claims 35 and 36 have been added.

Restriction requirement

The Examiner considered the claims to be drawn to two inventions: claims 1 - 30 and 32 - 34 (Group I) and claim 31 (Group II). Applicants elect the claims of Group I, without traverse, and have cancelled claim 31.

Objections to the Drawings

The Examiner objected to the drawings for failing to show a spring means, as claimed in claim 10. Claim 10 has been cancelled and the objection is now moot.

Claim rejections under 35 U.S.C. §102(b)

The Examiner rejected claims 1 - 8, 10 - 12, 15 - 26, 29 , 30, 32 and 33 as being anticipated by U.S. Patent No. 5,114,285 to Brydon. Claims 19 - 30 have been cancelled, and their rejection is now moot.

Independent claim 1 has been amended to specify that the at least one side template is pivotably connected to the end plate, and that the marking means disposed in the at least one side template are to provide cylinder hole location when the at least one side template is held substantially flush to the door surface and to provide striker plate height and location when the at least one side template is pivoted to lie adjacent a door jamb.

Applicants submit that there is no disclosure or suggestion in Brydon of a pivotable side template that provides the cylinder hole location when held flush to the door surface and provides the striker plate height and location when the side template is pivoted to lie adjacent the door jamb. Accordingly, Applicants submit that Brydon fails to teach each and every element of amended claim 1 and its respective dependent claims, and request withdrawal of the rejection thereto under 35 U.S.C. §102(b).

Independent claim 32 has been amended to specify that the marking means disposed in the at least one side template are to mark a location of a striker plate on an adjacent door jamb

when the side template is moved from a position substantially flush to the door surface to a position adjacent the door jamb.

Applicants submit that there is no disclosure or suggestion in Brydon of any means that permits marking of the striker plate location on an adjacent door jamb. At best, the holes 80 identified by the Examiner could permit the striker plate position to be located using an adjunct tool, such as a ruler or square. However, the holes 80 are not located in proximity to the door jamb and could not be used to mark the location of the striker plate on the door jamb. Accordingly, Applicants submit that Brydon fails to teach each and every element of amended claim 32, and request withdrawal of the rejection thereto under 35 U.S.C. §102(b).

Independent claim 33 has been amended to specify that the marking holes or slots disposed in the at least one side template are to provide cylinder hole location marking and striker plate location marking.

Applicants submit that Brydon neither discloses nor suggests holes and slots disposed in the side template that provide both cylinder and hole location marking. As noted above, the holes 80 identified by the Examiner cannot be used to mark the door jamb, since they are not located adjacent the door jamb. Accordingly, Applicants submit that Brydon fails to teach each and every element of amended claim 33, and request withdrawal of the rejection thereto under 35 U.S.C. §102(b).

Claim rejections under 35 U.S.C. §103(a)

The Examiner rejected claims 3 and 23 as being unpatentable over Brydon, and claims 9, 13, 14, 27 and 28 as being unpatentable over Brydon in view of U.S. Patent No. 5,249,336 to Miller. Claims 9, 23, 27 and 28 have been canceled, and their rejection is now moot.

As noted above, independent claim 1 has been amended to specify that the at least one side template is pivotably connected to the end plate, and that the marking means disposed in the at least one side template are to provide cylinder hole location when the at least one side template is held substantially flush to the door surface and to provide striker plate height and location when the at least one side template is pivoted to lie adjacent a door jamb. Claims 3, 13 and 14 depend from claim 1.

Applicants submit that there is no disclosure, teaching or suggestion in Brydon or Miller of a pivotable side template that provides the cylinder hole location when held flush to the door surface and provides the striker plate height and location when the side template is pivoted to lie adjacent the door jamb. Accordingly, Applicants submit that Brydon fails to teach each and every element of amended claim 1 and its respective dependent claims 3, 13 and 14.

Applicants further submit that no one of skill in the art would be motivated to combine the door drilling template of Brydon with the plastic binder clip of Miller, and that the Examiner has provided no teaching, suggestion or motivation for making such a combination. Thus, Applicants submit that the Examiner has engaged in impermissible hindsight analysis in combining the teachings of two such disparate arts to arrive at a finding of unpatentability.

Accordingly, Applicants request withdrawal of the rejection thereto under 35 U.S.C. §103(a).

The Commissioner is hereby authorized to debit \$60.00 from Deposit Account No. 501593, in the name of Borden Ladner Gervais LLP, representing the fees for a one month extension of time.

The Commissioner is hereby authorized to charge any additional fees, and credit any over payments to Deposit Account No. 501593, in the name of Borden Ladner Gervais LLP.

It is submitted that this application is now in condition for allowance, and action to that end is respectfully requested.

Respectfully submitted,

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